



**IT IS HEREBY ADJUDGED and DECREED that the
below described is SO ORDERED.**

Dated: April 21, 2010

Craig A. Gargotta

**CRAIG A. GARGOTTA
UNITED STATES BANKRUPTCY JUDGE**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In re:

CYPRESS NILKANTH PARTNERS, LP,
Debtor

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**Case No. 10-10917-CAG
(Chapter 11)**

**AGREED INTERIM ORDER REGARDING DEBTOR'S
MOTION TO AUTHORIZE USE OF CASH COLLATERAL
AND PROVIDING NOTICE OF THE FINAL HEARING ON THE MOTION**

On April 8, 2010, came before the Court for preliminary hearing the Motion to Authorize Use of Cash Collateral (the "Motion") filed on behalf of CYPRESS NILKANTH PARTNERS, LP, the Debtor-in- Possession in the above styled and numbered Chapter 11 case (the "Debtor").

The Court finds that service of the Motion and notice of the hearing was proper and adequate under the circumstances. The Debtor appeared by and through its counsel of record, B. Weldon Ponder, Jr. WILSHIRE STATE BANK ("Wilshire") appeared through its counsel,

Thomas J. Colven, III, and Mark Stromberg, both of whom appeared telephonically. The United States Trustee appeared through its Trial Attorney, Deborah Bynum.

The Court finds that the parties have agreed upon the terms of this Interim Order and that the terms of this Order, as stated below, will adequately protect the interests of Wilshire and any other parties having an interest in cash collateral, pending a final hearing on the Motion. To the limited extent the Debtor is authorized by this Interim Order to use cash collateral, the Court finds such use is necessary to avoid immediate and irreparable harm to the Debtor's estate.

IT IS THEREFORE ORDERED that pending a final hearing on the Motion, the Debtor will not use any cash collateral in this case, which consist of rents from the Property described in the Motion, unless either: 1.) Wilshire consents to such use of cash collateral, through the written approval of one of its undersigned attorneys; 2.) the expenditure constitutes an emergency and is needed in order to prevent loss or damage to the Property, and Wilshire has failed to provide consent to such use of cash collateral within one business day from the time Wilshire's undersigned attorneys have received written request from Debtor's counsel for such use; or 3.) the Court approves such use, after notice and a hearing. As used in this order, "written request" and "written consent" shall include communications by facsimile transmission, electronic mail and electronic text messaging, and such communications shall be deemed received when sent to the other party's current telecopier (fax) number, e-mail address or telephone number.

IT IS FURTHER ORDERED that a final hearing on the Debtor's Motion to Authorize Use of Cash Collateral shall be conducted on April 21, 2010, at 9:30 o'clock a.m. in the United States Bankruptcy Court, Courtroom No. 1, Third Floor, 903 San Jacinto Blvd., Austin, Texas.

IT IS FURTHER ORDERED that, no later than one business day after the entry of this Order, the Debtor through its counsel shall serve a copy of this Order on counsel for Wilshire, any other secured creditor in the case, any party filing a notice of appearance, the United States Trustee, and the Official Committee of Unsecured Creditors if one has been appointed or, if no Committee has been appointed, on the twenty largest unsecured creditors in the case.

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AGREED AS TO FORM AND CONTENT:

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By: /s/ Thomas J. Colven, III
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**ATTORNEYS FOR THE SECURED CREDITOR,
WILSHIRE STATE BANK (“WILSHIRE”)**

/s/ Weldon Ponder

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**ATTORNEY FOR THE DEBTOR IN POSSESSION,
CYPRESS NILKANTH PARTNERS, LP, ("DEBTOR")**

Order submitted by:

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CYPRESS NILKANTH PARTNERS, LP**